

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-2653

FANNIE BISHI,

Plaintiff - Appellant,

versus

THE BLACK MOUNTAIN CENTER; NORTH CAROLINA DE-
PARTMENT OF HUMAN RESOURCES; SECRETARY BRITT,

Defendants - Appellees.

Appeal from the United States District Court for the Western Dis-
trict of North Carolina, at Asheville. Lacy H. Thornburg, District
Judge. (CA-94-233-1)

Submitted: February 7, 1996

Decided: February 21, 1996

Before MURNAGHAN and WILLIAMS, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Fannie Bishi, Appellant Pro Se. Victoria Lewis Voight, OFFICE OF
THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellant appeals from the district court's order denying relief on her complaint, which alleged violations of Title VII, 42 U.S.C.A. § 2000e-2 (West 1994), and 42 U.S.C.A. § 1981 (West 1994), and breach of contract. Appellant's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1988). The magistrate judge recommended that relief be denied and advised Appellant that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Appellant failed to object to the magistrate judge's recommendation; instead, she filed a motion for voluntary dismissal.

The timely filing of objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). See generally Thomas v. Arn, 474 U.S. 140 (1985). Appellant has waived appellate review by failing to file objections after receiving proper notice. Appellant's motion for voluntary dismissal is not a substitute for objections to the magistrate judge's report; further, the district court properly denied the motion. See Fed. R. App. P. 41. Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are

adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED